

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

Royal Gorge Field Office

3028 E. Main

Cañon City, CO 81212

OFFICE:

PROJECT NUMBER: DOI-BLM-CO-200-2013-087 DN

CASEFILE: Project No. 016264

PROPOSED ACTION TITLE/TYPE: Kerr & Sand Gulch Vegetation Treatment

LOCATION/LEGAL DESCRIPTION:

Kerr Gulch

Colorado, Fremont, New Mexico Principle Meridian,
T. 48 N., R. 10 E., sec. 13 and 23 to 26 inclusive.
T. 48 N., R. 11 E., sec. 18 and 19.

Sand Gulch

Colorado, Fremont, New Mexico Principle Meridian,
T. 48 N., R. 10 E., sec. 1.
T. 48 N., R. 11 E., sec. 6.
T. 49 N., R. 11 E., sec 31.

APPLICANT: Colorado Parks & Wildlife, Habitat Partnership Program & BLM

A. Description of the Proposed Action and any applicable mitigation measures

The Kerr & Sand Gulch Vegetation Treatment is a cooperative effort between public land agencies including the BLM, Colorado Parks & Wildlife, Arkansas River and Sangre de Cristo Habitat Partnership Program Committees' (HPP), Colorado State Habitat Partnership Program and the Front Range Board of District Grazing Advisors. Other partners supporting this project include Rocky Mountain Elk Foundation, National Wild Turkey Federation, Mule Deer Foundation, and local grazing permittees'.

The Kerr Gulch area was assessed for Public Land Health Standards in 2005. The assessment described this area as at risk of not meeting standards due to the increasing canopy coverage and density of the pinyon-juniper woodlands. As this continues the area exhibits a lack in species

diversity, excessive bare ground and soil erosion. The assessment also identified a need to improve wildlife habitat and reduce the risk of wildfire by reducing the density of pinyon-juniper in the area. The Sand Gulch area was assessed in 2010 and exhibited some of the similar characteristics.

The objectives for this project include:

1. Promote herbaceous plant diversity and reduce soil erosion.
2. Enhance forest health and diversity.
3. Reduce wildlife conflicts on adjacent private lands.
4. Reduce the heavy fuels in the area to help prevent catastrophic wildfires.
5. Promote forage production on public lands for both wildlife and permitted livestock.

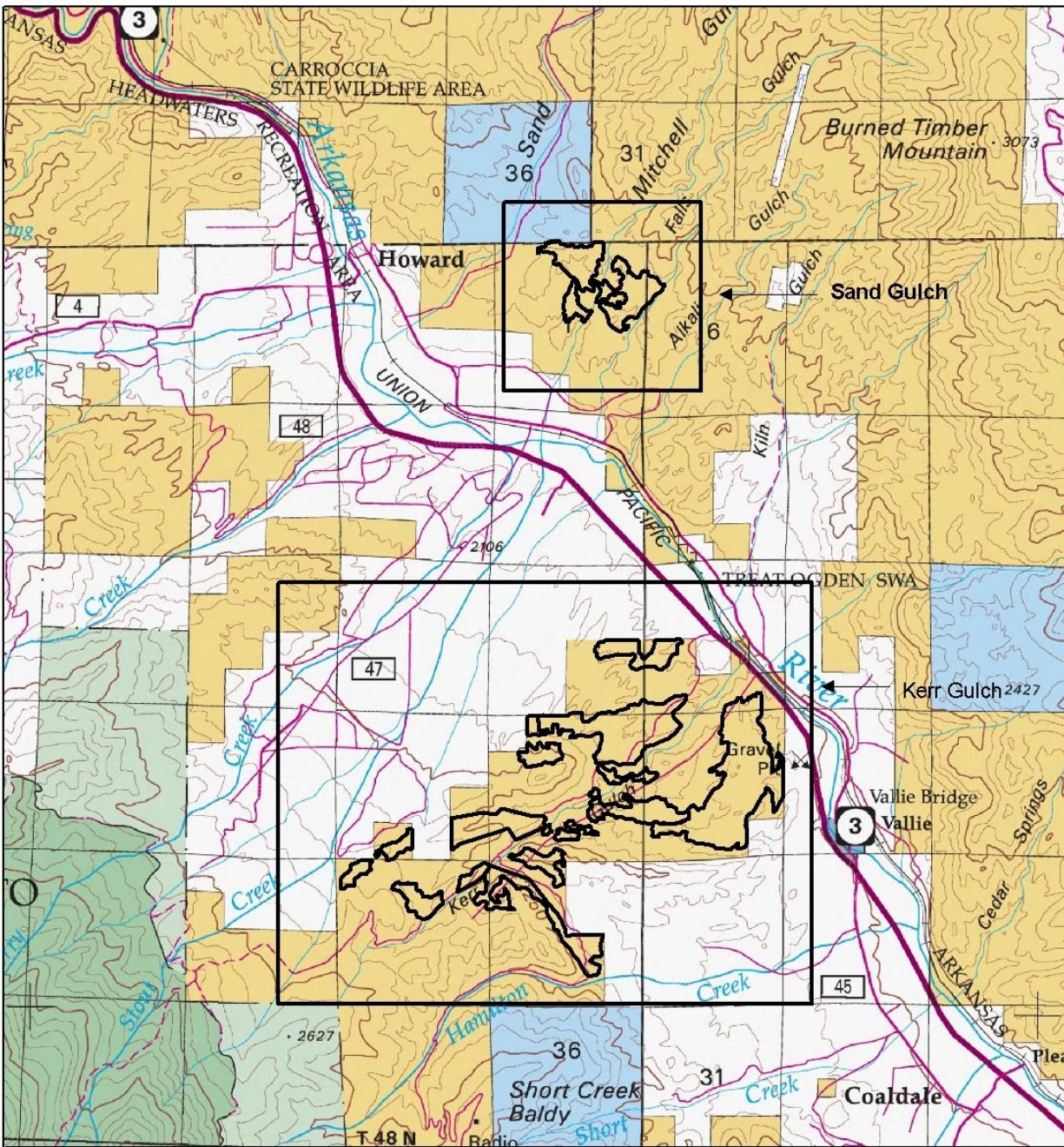
The project area consists of multiple units in the Kerr Gulch and Sand Gulch areas totaling 800 acres (see map). This would be a multi-year project depending on funding levels beginning in the fall of 2013. The proposed treatment will consist of both hand thinning using chainsaws and mechanical thinning using a hydro axe or similar type of mastication equipment. The project is designed to thin and create small openings in dense stands of pinyon pine and juniper to release grasses, forbs and shrubs. Treated areas would occur on slopes less than 35% and limited rock exposure. Large untreated islands will be left where slope and rock limit mechanical equipment. The post treatment area will consist of random and irregular small openings, leave islands, and thinned areas maximizing forest diversity. The leave trees shall include a representation of all age classes maintaining forest diversity.

Commercial firewood shall be removed where possible prior to and after the implementation of the mastication contract or hand thinning units. This work shall be accomplished with chainsaws, pick-ups, ATVs, tractors and trailers. Christmas trees may also be sold from these units if the smaller trees within the units meet the quality standards for commercial Christmas trees. All Special Forest Product sales would also be limited to the designated administrative routes and temporary access routes.

Temporary access routes are required for units throughout the project area and identified as red on the project map. Access on these temporary routes would be limited to machinery, maintenance vehicles, commercial firewood, Christmas tree contracts and administrative purposes. These routes are temporary and would be closed once the project is complete and brushed in and re-vegetated.

Artificial seeding may be applied and will be determined on a unit by unit basis depending on availability of a natural seed source. The seed would be dispersed by broadcast methods utilizing an ATV or by hand prior to or after the vegetation treatment. Seed type and approximate rate would be as follows: Western Wheatgrass 5 lbs/ac, Indian ricegrass 3 lbs /ac, Sand Dropseed 3 lbs/ac, Sideoats Grama 2 lbs/ac, Mountain Mahogany 1 lb/ac and *Ladak Alfalfa 1 lbs/ac. Total seed rate would be approximately 14 lbs/ac. All seed is certified for content, viability and weed free. (*Ladak Alfalfa is a non-native species that is widely used on areas for erosion control as it establishes easily under a variety of conditions, is highly desirable and nutritious to elk, deer and other wildlife species. Due to its desirability and heavy utilization by wildlife this plant typically does not compete well with the native vegetation and would not take over the site.)

Grazing management on the allotments will be modified in a manner that promotes successful establishment of new vegetation for two years. The project would be evaluated through multiple vegetation monitoring plots established on the treatment areas.



Kerr & Sand Gulch Vegetation Treatment

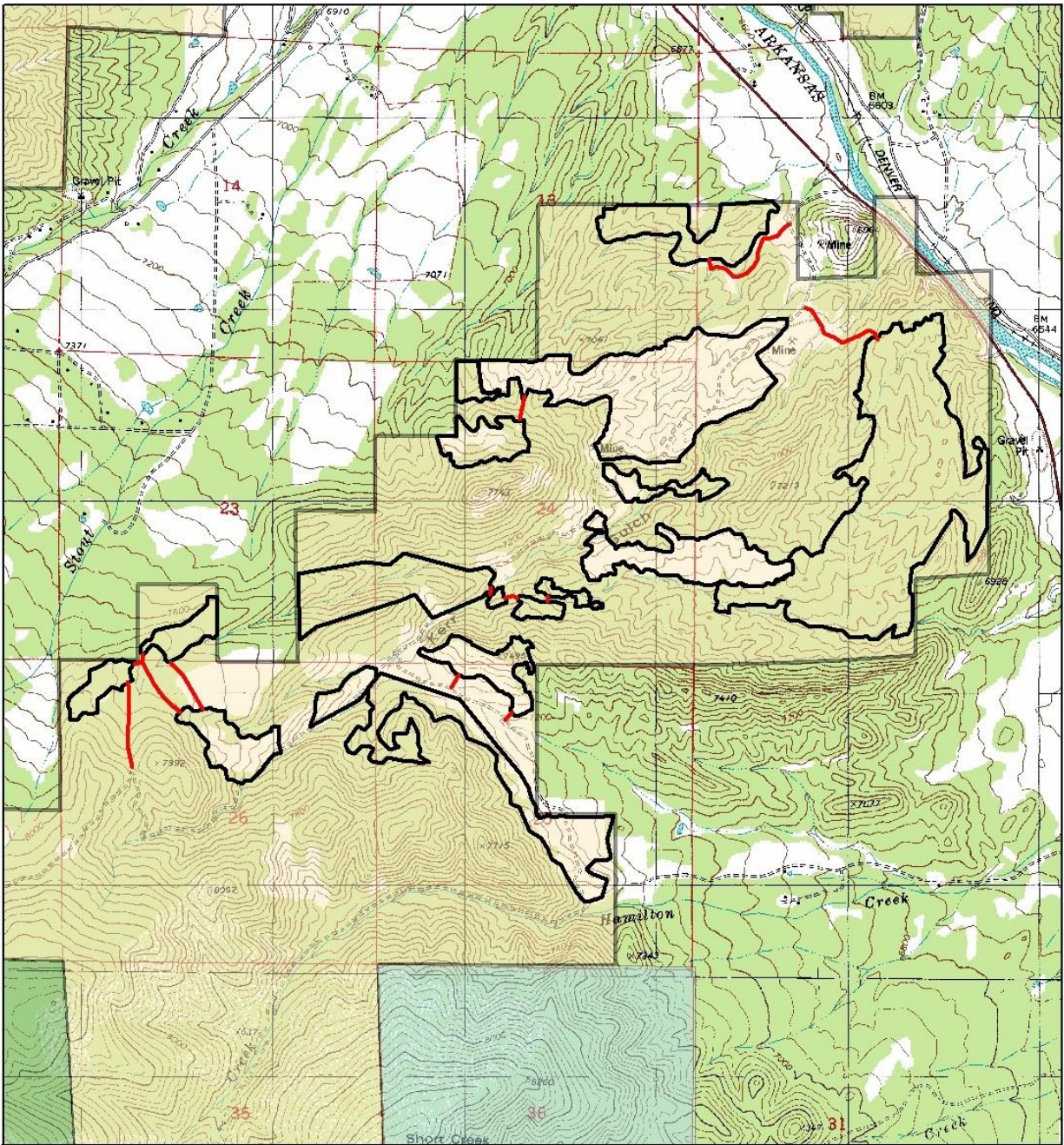
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- Legend**
- Treatment Area
 - BLM
 - State
 - USFS
 - Private

0 0.5 1 2 3 Miles



NOTE TO MAP USERS
 No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.



Legend

- Treatment Area
- Temporary Access Routes
- BLM
- State
- USFS
- Private

Kerr Gulch Vegetation Treatment

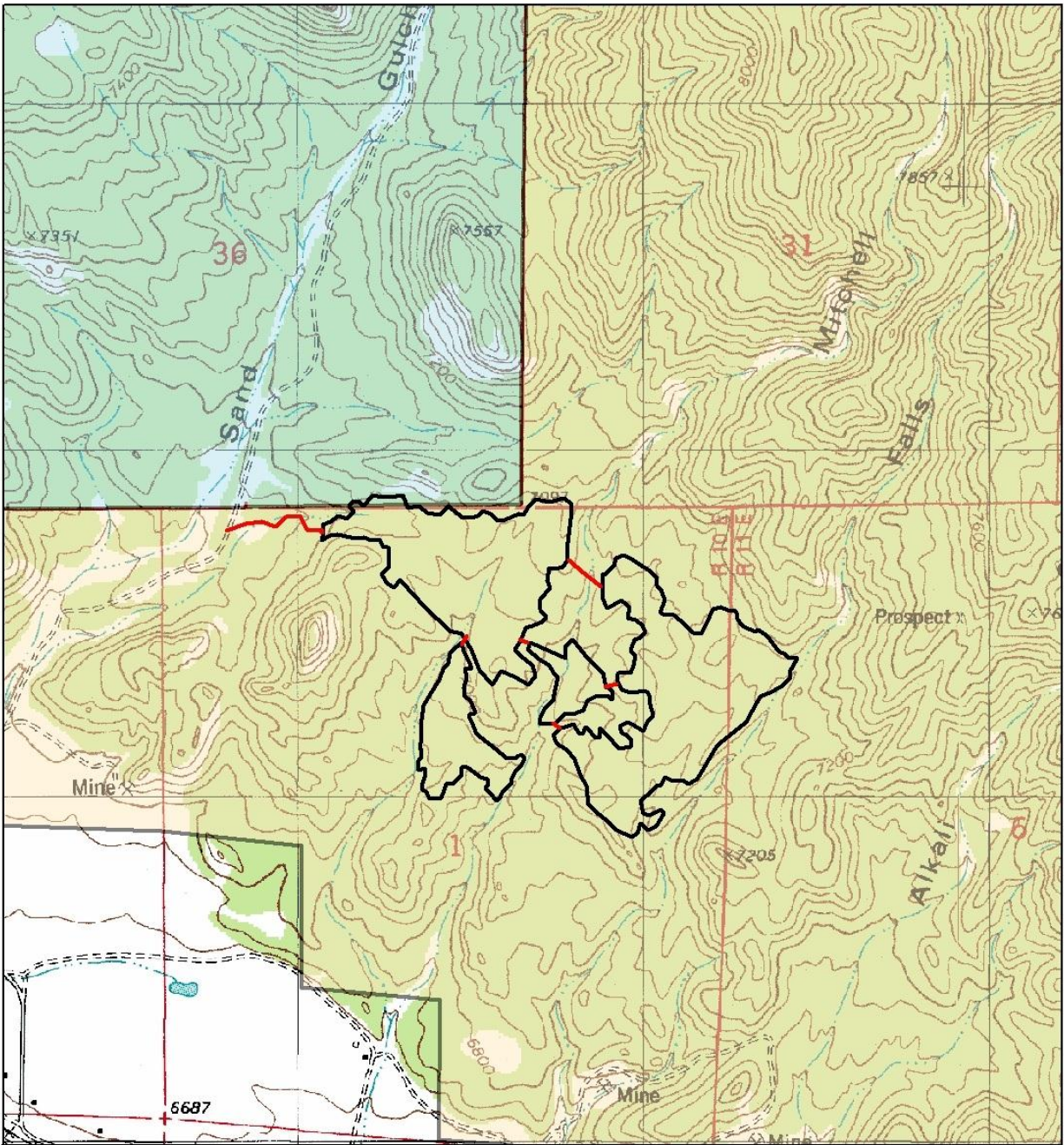
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T 48N., R 10E., Sections 13, 23, 24, 25, & 26
T 48N., R11E., Sections 18,19

0 0.15 0.3 0.6 0.9 Miles



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Legend

-  Treatment Area
-  Temporary Access Routes
-  BLM
-  State
-  USFS
-  Private

Sand Gulch Vegetation Treatment

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T 48N, R 10E, S. 1



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0 0.1 0.2 0.4 0.6 Miles

The following specifications are followed:

1. Pinyon and juniper trees will be thinned to a target of 25 to 50 trees per acre. Reserve tree designation shall maintain a variety of all age classes and species while favoring trees with fully healthy crowns. Trees with unhealthy characteristics such as declining crowns, disease or insect infestations shall be targeted for removal. Openings or patch cuts with no leave trees will be created on a random basis and would not exceed 3 acres in size.
2. All cut trees (including branches and boles) will be chipped or mulched; chip piles cannot exceed 12 inches in depth. Mulch/chip slash into pieces no larger than 6" diameter and no longer than 4' in length. COR may require lopping and scattering with chainsaws in rocky areas to 12" of ground surface.
3. Stump heights cannot exceed 6 inches in height and all live branches will be severed from the stump.
4. Slash from the firewood sales shall be loped and scattered below 18 inches from the ground or piled.
5. Projects would be designed to blend with topography and existing vegetation patterns and use both to screen the project as much as possible. Repeat the elements of form, line, color, and texture of the existing landscape.
6. When possible Ponderosa Pine, Douglas Fir, and White Fir species will be favored for retention over pinyon-juniper.
7. The amount of land treated in the pinion-juniper vegetation type by these methods would not exceed 750 acres/year in any one treatment area.
8. All machinery would be washed prior to being brought on site. The disturbed areas would be inspected and treated as needed for noxious weeds for two growing seasons after the project is completed.
9. Slash piles would not exceed 10 feet in diameter by 15 feet in height and a minimum of 6 feet in diameter by 6 feet in height. These piles shall be located where they can be burned effectively in suitable weather and not threaten the crown of reserve vegetation.
10. Large machinery for mechanical treatment would stay more than 100 feet from riparian and wetland areas and not work off road when ground conditions are saturated. When possible, work by large machinery would be conducted when the ground is frozen or dry.
11. If the project involves oil or fuel usage, transfer or storage, an adequate spill kit and shovels are required to be onsite during project implementation. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM's Spill Contingency Plan.
12. If onsite moisture (rain/snow/hail/etc.) wets the ground to the point that ruts 4 inches deep or greater are being formed or precipitation events exceed 0.5 inch in 1 hour or 1" in 24 hours, the COR may require a halt to traffic until the road is dry enough so that damage by vehicles does not occur. Immediate notification shall be by telephone or facsimile machine followed by instructions in writing. Any damage to roads caused by the contractor will be repaired by the contractor to the satisfaction of the project inspector or COR.
13. Locate, flag, and protect any property survey monuments including brass cap monuments, bearing trees, fences, or other infrastructure that may exist in this project

area. Determine public/private boundaries of the treatment areas prior to project implementation.

14. Minimize off-road travel in performing and supervising the operations. Any new vehicular travel routes would be rehabilitated and closed, especially where they connect to the existing roads/trails. Existing roads and trails would be used as much as possible by agency and contractor personnel to eliminate development of new routes and trails. When driving off roads, personnel would avoid repeatedly driving back and forth via the same route.
15. Work would be avoided from May 15th thru July 15th to avoid the taking of migratory birds.
16. The RGFO will reserve the right to impose additional timing restrictions based on concerns related to bark beetle infestations. When possible, work in piñon/juniper forest type will take place between September 1st and April 1st to avoid the Ips bark beetle flight period, avoiding increased beetle activity within and adjacent to treatment areas.
17. Surveys would be conducted to locate any possible occurrence of Royal Gorge stickleaf, Brandegees wild buckwheat, dwarf milkweed, and golden blazing star. If any are found the occurrences would be avoided.
18. Local research would be conducted to locate private survey records that apply to this area.
19. Wildlife trees (primarily snags) will be protected from damage and will be left standing for wildlife use.
20. For range allotment management purposes, contract stipulations addressing fences, cattle guards and gates should be addressed.
21. The contractor shall have the option to remove any biomass on which the contractor has offered a price at least equal to the appraised value (.01/ton), provided project work is progressing as scheduled, and removal is completed prior to expiration of contract time. To exercise this option, the contractor must execute a separate timber/vegetative sales contract prior to the removal of any biomass and make payment as specified in the timber/vegetative sales contract. The contractor shall notify the Contracting Officer of its intention to exercise this option within 30 calendar days from the execution of this contract. Any such material not removed shall be treated in accordance with the specifications.

B. Land Use Plan (LUP) Conformance

LUP Name Royal Gorge Resource Management Plan	Date Approved 05/13/96
Other Document	Date Approved
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: 1-1, 1-5, 2-1, 2-14, C-39

1-1, 2-1: Vegetation management will be managed to accomplish other BLM initiatives distributed through cooperative efforts such as HPP projects.

1-15, 2-14: A portion of the forested lands will be available for intensive management.

C-39: Continue with land treatments as a management practice. Complete NEPA documentation on each project as needed.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.
Fuels Management - Western Fremont County Fuels Planning CO-200-2005-0021EA
09/21/05

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessments 2005 & 2010

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The new proposed action is a feature that was part of the proposed action analyzed in the existing NEPA document. The existing EA identified Kerr Gulch and North Howard as one of the treatment areas and the new proposed action falls within this area exactly.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

The existing EA was conducted in 2005 and no new environmental concerns, interests, or resource values have changed since the analysis. The Proposed Alternative provided for a range of vegetation treatments aimed at habitat enhancement and reducing the chance of wildfire at the wildland urban interface. The EA included a No Action Alternative that was analyzed in the document, where the vegetative community would remain unaltered.

3. Is the existing analysis valid in light of any new information or circumstances (such as,

rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The existing EA was conducted in 2005 and the issues found in the 2005 & 2010 health assessments were addressed in this EA. The EA is seven years old and there are no known new issues, listings, or circumstances that would change the analysis of the new proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The existing EA specifically analyzed this type of vegetation treatment within the same area. The direct, indirect, and cumulative effects that would result from implementation of this action are the same (both quantitatively and qualitatively) to those analyzed in the existing NEPA document.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The public and interagency scoping conducted for the existing NEPA was adequate for the new proposed action.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 6/17/2013
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 6/18/13
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	n/a
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 06/10/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 6/7/13
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 7/11/13
Melissa Smeins	Geologist	Minerals, Paleontology	-----
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 6/4/13
Ty Webb	Prescribed Fire Specialist	Air Quality	mw for TW 8/12
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 6/6/13
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 6/4/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	n/a
Ken Reed	Forester	Forestry	KR,6/14/2013

Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 7/29/13
Monica Weimer	Archaeologist	Cultural, Native American	-----
Michael Troyer	Archaeologist	Cultural, Native American	MDT 6/6/2013
Vera Matthews	Realty Specialist	Realty	vm, 8/1/2013
Steve Craddock	Realty Specialist	Realty	-----
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	n/a
Bob Hurley	Fire Management Officer	Fire	BH, 6/4/2013

Other Agency Represented:
Colorado Parks & Wildlife
Colorado Habitat Partnership Program

REMARKS:

Cadastral Survey: T. 48 N., R. 10 W., 6th P.M. was dependently resurveyed in 1975. T. 48 N., R. 11 W., 6th P.M. was surveyed in 1880 with supplemental survey of portions of the township in 1964 and 1980. These corners that are in the project area that could be disturbed/ destroyed need to be located and protected before work begins.

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-13-83 (N), and CR-RG-13-145 (N)]. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

Lands with wilderness characteristics: BLM Manual 6310 provides policy and guidance on updating an inventory of lands that meet the criteria for having wilderness characteristics. This update has not been completed for the project area but permanent impacts to wilderness characteristics are not anticipated from the proposed action.

Lands and Realty: There are numerous existing land use authorizations located on the public lands within and adjacent to the project area. The transportation systems include a historic

railroad grant, Federal and State highways, county roads, and numerous access roads for individual residences and large subdivisions. Utilities include both aerial and buried telephone, fiber optic, and electrical power lines. There is a Communication site right-of-way including both the developed site and the accompanying access road adjacent to the project area. There are multiple power site reserves, and Public law 167 designations. Any authorization of activities in this area would be secondary to the existing power site withdrawals and would be subject to termination upon the execution of any withdrawal. Other authorizations may include 2920 permits and lands leased under the Recreation and Public Purpose Act.

Minerals:

Sand Gulch – Minerals within the proposed project area are open to entry under the mining law and are open to development under regulations codified at 43 CFR 3809. As of March 2013, an active lode claim is located on the southern edge of the proposed project boundary in the SE1/4 of Section 1. Any associated claim markers encountered during project implementation cannot be disturbed, as these are considered private property.

Kerr Gulch – Minerals within the proposed project area are open to entry under the mining law and are open to development under regulations codified at 43 CFR 3809. As of March 2013, multiple active lode claims are located within the proposed project boundary, N1/2 of Section 19 and S1/2 of Section 18. Any associated claim markers encountered during project implementation cannot be disturbed, as these are considered private property. In addition, there is an active Plan of Operations in effect within the S1/2 of the SW1/4 of Section 18 N and N1/2 of the NW1/4 of Section 19. Therefore, truck hauling and other mine activity will be intermittently occurring. No access within or through the mine site is allowed, no alteration of surface hydrology that would adversely impact the mine site can occur without appropriate coordination, and deposition of slash from the project within the mine site boundary is not permitted. Coordinate with the Minerals Program, as needed.

MITIGATION: None

CONCLUSION

DOI-BLM-CO-200-2013-0087 DN

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: Jeff Williams

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Melissa K.S Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL:

/s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE: 8/13/13

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.